

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

DAVID HEMENWAY

SUMMONS IN A CIVIL ACTION

V.

NCO FINANCIAL SYSTEMS, INC. and KEVIN  
SIMMONS, Jointly and Severally

CASE NUMBER:

07 CV 10933

JUDGE JONES

TO: (Name and address of Defendant)

Kevin Simmons  
500 North Franklin Tpke  
P.O. Box 585  
Ramsey, NJ 07446

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Brent E. Pelton, Esq.  
Pelton Serpe LLP  
111 Broadway, 9th Floor  
New York, New York 10006

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

NOV 30 2007

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney: PELTON SERPE LLP

DAVID HEMENWAY

Plaintiff(s)

- against -

Index # 07 CV 10933

NCO FINANCIAL SYSTEMS, INC., ETANO

Defendant(s)

Purchased November 30, 2007

File # 85 (D) WC (85)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

DAN KNIGHT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on December 17, 2007 at 12:30 PM at

500 NORTH FRANKLIN TURNPIKE  
P.O. BOX 585  
RAMSEY, NJ 07446

deponent served the within SUMMONS AND COMPLAINT on KEVIN SIMMONS therein named,

**SUITABLE  
AGE**

by delivering thereof a true copy of each to JOE NICHOLAS a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	BROWN	42	5'10	195

**MAILING**

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

500 NORTH FRANKLIN TURNPIKE  
P.O. BOX 585  
RAMSEY, NJ 07446

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on December 17, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL &amp; CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY  
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: January 9, 2008

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified In New York County  
Expires February 10, 2010JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2011JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6158780  
Qualified In New York County  
Expires December 4, 2010

DAN KNIGHT

Invoice #: 452854

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728